

APPENDIX 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
)	
Defendant.)	

**ePLUS INC.'S EXHIBITS AS TO WHICH LAWSON SOFTWARE, INC.
OBJECTS AND THE GROUNDS FOR OBJECTION**

KEY TO OBJECTIONS

Reference	Basis for Objection
106	Fairness requires admission of remainder of the document
401/402	The evidence in the exhibit is not relevant and is not admissible
403	Any relevance of the exhibit is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury, or considerations of unfair delay, waste or confusion of the issues, misleading the jury, or considerations of unfair delay, waste of time, or needless presentation of cumulative evidence.
801/802/805	The exhibit contains or is hearsay and no exception applies and/or the exhibit contains or is hearsay within hearsay and no exception applies.
901	The exhibit lacks authentication.
1002	Original required (Best Evidence)
1003	Poor duplicate – unfair to admit as duplicate (Best Evidence)
1006	The evidence in the exhibit includes improper summary of evidence.
Duplicate	The exhibit is duplicative of another exhibit(s)
FRCP 26	Not timely disclosed
IL	The exhibit is not legible
MD	Exhibit is inadmissible because it contains more than one document or is an improper collection of documents
MIL	Subject of motion <i>in limine</i>
NT/T	The exhibit contains text in a foreign language that is not translated to English, or the translation is inaccurate
NR	Exhibit not received—all objections are reserved

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0011	ePLUS0227032	ePLUS0227054	10/2001	Granada Research, Using the UNSPSC, United Nations Standard Products and Services Code, White Paper (from www.unspsc.org)	403, 801/802/805, 901
PX-0017	ePLUS0228538	ePLUS0228593	06/2003	"The Procurement and Sourcing Applications Report, 2002 - 2007" AMR Research Report	401/402, 403, 801/802/805, 901, MIL
PX-0027	ePLUS0509332	ePLUS0509347	1996	Supply Link Technical Bulletin, 1st Quarter 1996	401/402, 403, 801/802/805, 901, MIL
PX-0029	ePLUS0519771	ePLUS0519789	11/2001	"Complex Indirect Procurement: The Final Frontier for Savings," Aberdeen Group	401/402, 403, 801/802/805, 901, MIL
PX-0031	ePLUS0519825	ePLUS0519833	10/22/2004	Frequently Asked Questions from UNSPSC Website www.unspsc.org	801/802/805, 901
PX-0032	ePLUS0519834	ePLUS0520139	1998-2004	Documents Downloaded From UNSPSC Website www.unspsc.org	403, 801/802/805, 901, MD
PX-0041	ePLUS0524455	ePLUS0524462	08/2003	"Supplier Relationship Management: Creating Value by Completing the Chain" An IDC Executive Brief, August 2003	401/402, 403, 801/802/805, 901
PX-0042	ePLUS0524465	ePLUS0524465	2/14/2005	Smartmoney.com article: Ariba to Pay ePlus \$37M to Settle Infringement Suit	801/802/805, 401/402, 403, 901, MIL

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0043	ePLUS0524597	ePLUS0524622	2/12/2005	Settlement & License Agreement between Ariba, Inc. and ePLUS, Inc., dated February 12, 2005	801/802/805, 401/402, 403, MIL
PX-0130	L0261972, L0262041, L0262044, L0262059, L0262133, L0262265, L0262268, L0262307, L0262790, L0262843,	L0261972, L0262041, L0262044, L0262059, L0262133, L0262265, L0262268, L0262307, L0262790, L0262843,	N/A	2010.03.01 Todd Dooner Deposition - Exhibit 08 - Various documents falling within Bates range of RFP Express	106, 401/402, 403, 801/802/805, MD, F
PX-0139	ePLUS0010605	ePLUS0010606	12/12/2001	2009.12.16 Kenneth Farber Deposition- Exhibit 17 - Manage+ Demo Request Form	401/402
PX-0140	ePLUS0434494	ePLUS0434515	03/2008	2009.12.17 Deposition of Kenneth Farber - Exhibit 23 - eProcurement - Indalex 3/2008, Procure+ 6.x Hosted, and Procure+ & OPS documents	401/402 (for pp. 268-269), 801/802/805, 901
PX-0141	ePLUS0818140	ePLUS0818196	08/2008	2009.12.17 Deposition of Kenneth Farber - Exhibit 24 - August 2008 e+ Analyst Briefing	401/402
PX-0142	ePLUS0813431	ePLUS0813510	11/2008	2009.12.17 Deposition of Kenneth Farber - Exhibit 25 - November 2008 e+ Enterprise Supply Management - An Overview of ePLUS Solutions	401/402

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0143	ePLUS0911573	ePLUS0911582	N/A	2009.12.17 Deposition of Kenneth Farber - Exhibit 33 - Novant Health Procurement-Current State	801/802/805
PX-0144	ePLUS0611525	ePLUS0611526	3/17/2009	2009.12.17 Deposition of Kenneth Farber - Exhibit 35 - 2009.03.17 Email from Pinkerton to Thomas re: Novant schematic.pptx & attached Novant schematic.pptx	401/402
PX-0146	ePLUS0913891	ePLUS0913904	3/17/2009	2009.12.17 Deposition of Kenneth Farber - Exhibit 38 - 2009.03.17 Email from Thomas to Halpern, Karns, Farber, Pinkerton and Frenette & attached 2009.03.20 ePLUS Response to: Novant Health Procure to Pay System	401/402, 403
PX-0187	LE00163689	LE00163703	8/16/2002	2009.10.20 Deposition of Keith Lohkamp - Exhibit 01 - Lawson Software Procurement Applications	801/802/805, 901
PX-0199	ePLUS0942090	ePLUS0942095	2/4/2010	2010.03.04 Deposition of Hannah Raleigh - Exhibit 03 - Article titled "Lawson Professional Services Introduces Managed Services and Lawson 9 Migration Programs; Professional Services Portfolio Strengthened With New Programs Designed to Help Customers Maximize the Return on Their Lawson Investment"	801/802/805, 901
PX-0246	NOV0870	NOV0904	N/A	2010.02.19 Deposition of Third Party - Novant - Exhibit 07 - Supply Chain NMG Ambulatory Care Manual	401/402, 403, 901

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0253	L0156785	L0156786	6/2/2006	2010.02.19 Deposition of Third Party - Novant - Exhibit 14 - Lawson Software, Inc., Services Order Form	403, 901
PX-0275	L0261603	L0262981	N/A	RFP Express	401/402, 403, 801/802/805, 901, MD
PX-0281	ePLUS0003631	ePLUS0003677	N/A	ePLUS Systems Response to Gannett E-Procurement Supplier Questions, Issues or Items Requiring Further Explanation	401/402
PX-0282	ePLUS0009339	ePLUS0009340	5/29/2003	Press Release: ePLUS Awarded Patent on Electronic Cross-Catalog Searching	401/402, 403, 801/802/805, MIL
PX-0284	ePLUS0026860	ePLUS0026861	7/31/2003	Press release: "ePLUS Named to iSource Business Magazine's Top 100"	401/402, 403, 801/802/805, MIL
PX-0285	ePLUS0026955	ePLUS0026957	1/21/2004	Press release: "ePLUS Achieves Two Consecutive Quarters of Top Ranking in Aberdeen's Supply Chain Top Fifty"	401/402, 403, 801/802/805, MIL
PX-0286	ePLUS0027032	ePLUS0027033	6/25/2004	Press release: ePLUS Named to 2004 Supply & Demand Chain Executive Magazine's Top 100	401/402, 403, 801/802/805
PX-0287	ePLUS0027388	ePLUS0027401	2003	Content+ Product Content Management for the Enterprise, An Executive White Paper	401/402, 403,

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0289	ePLUS0030544	ePLUS0030761	06/2004	Procure+ Client/Server System Administration Guide Version 6.606 June 2004	401/402, 403
PX-0294	ePLUS0133477	ePLUS0133478	12/26/2001	Ariba Rides Aberdeen Award, article by Tom Kaneshige in E-Business News	801/802/805, 401/402, 403, MIL
PX-0295	ePLUS0134589	ePLUS0134655	9/15/2004	Cornerstone Article "A 'Net' Solution for both Buying and Selling Organizations"	MD, 401/402, 403, 801/802/805, 901
PX-0298	ePLUS0432883	ePLUS0432883	N/A	ePLUS 's Response to Novant Health Request for Proposal, Procure to Pay - 1674 Appendix A	401/402
PX-0299	ePLUS0434089	ePLUS0434096	9/27/2006	ePLUS Proposal For: HanesbrandsInc – eProcurement Solution for Indirect Spend	401/402
PX-0300	ePLUS0434516	ePLUS0434517	09/2006	Procure+ Hosted & Content + SP – Hanes	401/402
PX-0306	ePLUS0529154	ePLUS0529159	2008	ePLUS Product Information Management, Fueling Supply Management	401/402, 403
PX-0308	ePLUS0529164	ePLUS0529177	09/2008	How's and Why's Of Automating Procurement, e+ Executive White Paper on Successful eProcurement Implementation	401/402, 403
PX-0309	ePLUS0529178	ePLUS0529191	09/2008	Content+ Advanced, e+ Executive White Paper on Product Content Management for the Enterprise	401/402, 403

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0314	ePLUS0612276	ePLUS0612293	N/A	Responding to an RFx- Wolters Kluwer	401/402, 801/802/805, 901
PX-0316	ePLUS0935319	ePLUS0937229	10/24/2007	Emails relating to ePLUS's Proposal to Blue Cross Blue Shield of NC	401/402
PX-0317	ePLUS0940765	ePLUS0940776	8/28/2009	Settlement and License Agreement between ePLUS inc. and Perfect Commerce, LLC and Exhibits A and B	401/402, 403, MIL
PX-0318	ePLUS0940777	ePLUS0940801	12/11/2006	Patent License and Settlement Agreement among SAP America, Inc., SAP AG and ePLUS inc.	401/402, 403, MIL ¹²
PX-0319	ePLUS0940802	ePLUS0940814	8/19/2009	Settlement and License Agreement between ePLUS, Inc. and SciQuest, Inc. and Exhibits A and B	401/402, 403, MIL
PX-0320	ePLUS0940815	ePLUS0940835	7/7/2009	Settlement and License Agreement between ePLUS inc. and Verian Technologies, Inc. and Exhibits A and B	401/402, 403, MIL
PX-0325	ePLUS0940869	ePLUS0940871	2/17/2005	Gartner Publication re Ariba-ePLUS Settlement Could Spark More Patent Lawsuits	401/402, 403, 801/802/805, 901, MIL
PX-0326	ePLUS0940872	ePLUS0940873	7/8/2008	Article from Supply Demand Chain Executive: "Ariba Settles Patent Infringement Litigation with ePLUS"	401/402, 403, 801/802/805, 901, MIL

¹ Lawson objects to this document subject to its motions in limine but reserves the right to use the document for other purposes.

² In an August 24, 2010 email from K. Stoll-DeBell, Lawson identified this document as having been stipulated to (DX-57 and DX-219). ePlus therefore contends that the document should be admissible.

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0327	ePLUS0940874	ePLUS0940875	2/14/2005	article from IT Management "ePLUS Wins \$37 Million Patent Infringement Suit Against Ariba" by Renee Boucher Ferguson	401/402, 403, 801/802/805, 901, MIL
PX-0328	ePLUS0940876	ePLUS0940876	9/8/2005	article published on infoworld.com "ePLUS Charges SAP with Patent Infringement" by John Blau	401/402, 403, 801/802/805, 901, MIL
PX-0329	ePLUS0940877	ePLUS0940877	2/15/2005	Article from NY Times-Tech Briefing "Software-Ariba Settles Patent Suit with ePLUS"	401/402, 403, 801/802/805, 901, MIL
PX-0330	ePLUS0940878	ePLUS0940878	9/8/2005	Article from Computerworld Networking&Internet "ePLUS charges SAP with Patent Infringement" by John Blau	401/402, 403, 801/802/805, 901, MIL
PX-0335	LE00497942	LE00497943	10/22/2008	Email from Megan Evans to Keith Lohkamp cc Steven Herbst regarding Issues at Novant Health	401/402, 403
PX-0342	ePLUS0240726	ePLUS0240736	2/11/2002	PX-342: IDII Software Newsletter, Vol. 3, No. 3, dated 2/11/2002, including article on Lawson e-Procurement for Healthcare, available at www.idii.com/esn/vol3num03.htm	801/802/805, 401/402, 901
PX-0343	ePLUS0240822	ePLUS0240822	9/2/2009	"Lawson e-Procurement Description" available at www.spendsoftware.com/procurementsoftware/lawson-e-procurement.html	801/802/805, 901
PX-0345	ePLUS0241483	ePLUS0241493	09/2005	Pasadena ISD Lawson Financial System Requisition Approval User's Manual	401/402

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0348	ePLUS0241625	ePLUS0241656	N/A	Univ. of Texas MD Anderson Cancer Center "Online Ordering Tutorial & User Guide"	801/802/805, 901
PX-0349	ePLUS0432884	ePLUS0432910	3/20/2009	Response to: Novant Health Procure to Pay System RFP by ePlus	401/402
PX-0391	ePLUS0948787	ePLUS0948787	N/A	Requisitions Self-Service (XML) Training Course, version 8.0.3 (Video)	401/402, 403, 801/802/805, 901 for: Any portion of the video including comments or discussion by non-Lawson person.
PX-0393	ePLUS0948926	ePLUS0948926	N/A	Vendor Agreement Import 8.0.3 Training Course (video)	401/402, 403, 801/802/805, 901 for: Any portion of the video including comments or discussion by non-Lawson person.

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0404	L0343669	L0343669	4/8/2010	Requisition Self-Service 8.1/9.0 (Virtual Learning Lab) (video)	401/402, 403, 801/802/805, 901 for: Any portion of the video including comments or discussion by non-Lawson person.
PX-0412	LE00169833	LE00169949	12/2001	December 2001 Aberdeen Group: Best Practices in e-Procurement	401/402, 403, 801/802/805, 901, R26
PX-0417	ePLUS0442943	ePLUS0442950	09/2007	ePLUS Product Information Management : Overview and Product Description	401/402, 403, R26
PX-0420	N/A	N/A	2/22/2010	USPTO Classifications Order Index Classes 383-483 (from www.uspto.gov)	401/402, 403, 901, MD
PX-0421	N/A	N/A	2/22/2010	USPTO Classifications Order Index Classes 604-709 (from www.uspto.gov)	401/402, 403, 901, MD
PX-0422	N/A	N/A	N/A	U.S. Patent No. 5,712,989 from USPTO Patent Full-Text and Image Database	401/402, 403, 901, MD
PX-0423	N/A	N/A	N/A	(Catalog+ splash screen)	401/402, 403, 901, 1002, R26
PX-0424	N/A	N/A	2008	(2008 Procure+ splash screen)	401/402, 403, 901, 1002, R26

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0425	N/A	N/A	2007	(2007 Procure+ splash screen)	401/402, 403, 901, 1002, R26
PX-0430	L0290393.001	L0290393.026	2005-2010	Lawson Revenue Spreadsheet	401/402, 403, MIL
PX-0434	L0314204.0001	L0314204.1745	N/A	Updated License Fee Spreadsheet	401/402, 403, MIL
PX-0435	L0345165.0001	L0345166.4172	6/1/2004 - 3/31/2010	Lawson Maintenance and Licensing Revenue	401/402, 403, MIL
PX-0437	N/A	N/A	N/A	Lawson Global Support: http://www.lawson.com/wcw.nsf/pub/support_index	401/402, R26
PX-0443	N/A	N/A	2010	Printout from Perfect Commerce website showing licensing of ePlus patents	401/402, 403, 801/802/805, R26, MIL
PX-0444	N/A	N/A	2010	Printout from SciQuest website showing licensing of ePlus patents	401/402, 403, 801/802/805, R26, MIL
PX-0446	ePLUS0528110	ePLUS0528479	2007	Procure+ Web: System Administration Guide (Draft)	401/402, 801/802/805
PX-0447	ePLUS0027359	ePLUS0027360	7/21/2003	Article from Industryview: ePlus Awarded Patent on Electronic Cross-Catalog Searching	401/402, 403, 801/802/805, 901, MIL
PX-0448	ePLUS0433126	ePLUS0433133	09/2007	Procure+ Overview and Product Description of Procure+ v 6.8	401/402
PX-0455	LE02002976	LE02003189	03/2009	Lawson Smart Office Administration Guide, Version 9.0.3	401/402, 403

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0456	LE02480515	LE02480957	11/2008	Lawson ProcessFlow Administration Guide, Version 9.0	401/402, 403
PX-0457	LE01281910	LE01281915	10/9/2003	E-Procurement is Reaching Its Plateau of Productivity: E-procurement has been an overhyped application; however, its recent maturation is setting the stage for a comeback. The application is no longer just a "catalog" solution sold by unstable vendors (Gartner Research)	401/402,403, 801/802/805, 901
PX-0458	LE01280376	LE01280419	2/25/2004	Lawson Workshop: Sourcing, Contracts & Procurement (Gartner Research)	401/402, 403, 801/802/805, 901
PX-0459	LE00588805	LE00588822	11/2004	Market Analysis: Worldwide Accounting and Financial Management Applications 2004 – 2008 Forecast and 2003 Vendor Shares (IDC)	401/402, 403, 801/802/805, 901
PX-0461	LE00588824	LE00589037	08/2005	Market Analysis: Worldwide Software, 2005-2009, Forecast Summary (IDC)	401/402, 403, 801/802/805, 901, R26
PX-0462	LE00241100	LE00241317	2005	EAM/ CMMS Solutions Worldwide Outlook (ARC Advisory Group) (2005)	401/402, 403, 801/802/805, 901, R26
PX-0463	LE00216130	LE00216165	2006	The Procurement and Sourcing Applications Report, 2005-2010 (AMR Research)	401/402, 403, 801/802/805, 901, R26
PX-0465	L0134636	L0134642	7/3/2007	Market Outlook: Sourcing and Procurement in a Demand-Driven World – A Transformation Guide for Vendors, Service Providers and BPOs (AMR Research)	401/402, 403, 801/802/805, 901, R26

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0466	L0259043	L0259067	4/20/2007	The Forrester Wave: eProcurement Solutions, Q2 2007	401/402, 403, 801/802/805, 901, R26
PX-0468	LE00496665	LE00496666	2/21/2008	Memorandum from Keith Lohkamp to Keith Knuth re: Cleveland Clinic and Procurement Punchout	401/402, 403
REBUTTAL EXHIBITS					
PX-0472	G0009362	G0009363	4/7/2010	2010.05.08 Deposition of Charles Gounaris - Exhibit 02 - Gounaris Retention Agreement (Lawson)	401/402, 403, 801/802/805
PX-0473	N/A	N/A	5/18/2010	2010.05.08 Deposition of Charles Gounaris - Exhibit 18 - Addendum to Gounaris Retention Agreement (Lawson)	401/402, 403, 801/802/805
PX-0474	G0023619	G0023620	7/9/2009	2010.05.08 Deposition of Charles Gounaris - Exhibit 14 - Gounaris Retention Agreement (SciQuest)	401/402, 403, 801/802/805
PX-0475	G0023785	G0023787	1/30/2006	2010.05.08 Deposition of Charles Gounaris - Exhibit 15 - Gounaris Retention Agreement (SAP)	401/402, 403, 801/802/805, MIL
PX-0476	G0024075	G0024075	5/2/2010	2010.05.08 Deposition of Charles Gounaris - Exhibit 17 - Gounaris Invoice	401/402, 403
PX-0477	ENG000346	ENG000347	4/7/2010	2010.05.25 Deposition of Pamela Eng - Exhibit 02 - Eng Retention Agreement (Lawson)	401/402, 403, 801/802/805
PX-0484	FM0000009	FM0000009	4/28/2010	Email chain between Laurene Fielder-McEneny and Hughey	401/402, 801/802/805

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0485	N/A	N/A	4/16/2010	Staats Retention Agreement	401/402, 403, 801/802/805
PX-0500	N/A	N/A	N/A	Compilation of Lawson's Responses to Prospective Customers' Requests for Proposal	401/402, 403, 1006, MIL
PX-0501	N/A	N/A	N/A	Compilation of Lawson's Statements of Work for Customers	401/402, 403, 1006, MIL
PX-0502	L0417614	L0417614	N/A	Lawson's Revenue Sheet	401/402, 403, 1006, MIL
PX-0504	ePLUS0949018	ePLUS0949018	N/A	ePlus System Demonstration	401/402, 403, 1006, MIL
PX-0505	ePLUS0204875	ePLUS0204883	9/22/2004	The Declaration of Ross E. Dworkin	401/402, 403, 1006, MIL
PX-0506	L0330837	L0330929	05/2008	S3 Lawson System Foundation Architecture Guide Version 9.0	401/402, 403, 1006, MIL
PX-0507	N/A	N/A	07/2010	Lawson's Annual Report (10-K)	401/402, 403, 1006, MIL
PX-0508	N/A	N/A	11/2003-03/2010	Accused License Revenue by SKU	401/402, 403, 1006, MIL
PX-0509	N/A	N/A	11/2003-03/2010	Accused Maintenance Revenue by SKU	401/402, 403, 1006, MIL
PX-0510	N/A	N/A	11/2003-03/2010	Accused Service Revenue by SKU	401/402, 403, 1006, MIL
PX-0511	N/A	N/A	11/2003-03/2010	Total Accused Combined Revenue Summary	401/402, 403, 1006, MIL
PX-0512	N/A	N/A	11/2003-03/2010	Total Accused License Revenue Summary	401/402, 403, 1006, MIL

Exhibit No.	Begin Bates	End Bates	Date	Description	Lawson's Objection(s)
PX-0513	N/A	N/A	11/2003-03/2010	Total Accused Maintenance Revenue Summary	401/402, 403, 1006, MIL
PX-0514	N/A	N/A	11/2003-03/2010	Total Accused Service Revenue	401/402, 403, 1006, MIL
PX-0515	N/A	N/A	N/A	FRE 1006 Summary of Lawson's Responses to Prospective Customers' Requests for Proposal.	401/402, 403, 1006, MIL